

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT CERTAIN PROPERTY INTERESTS LOCATED AT 306 WEST ORTEGA STREET, AND, SUBJECT TO REVIEW AND APPROVAL BY THE CITY ATTORNEY AS TO THEIR FORM, AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE THREE AGREEMENTS, BEING AN AGREEMENT FOR ACQUISITION OF REAL PROPERTY WITH ESCROW INSTRUCTIONS, AN OPTION TO PURCHASE AGREEMENT, AND AN INTERIM VACANCY AGREEMENT, AND ANY ESCROW DOCUMENTS THAT MAY BE REQUIRED, ALL RELATING TO THE PROPOSED ORTEGA STREET BRIDGE REPLACEMENT PROJECT, AND CONSENTING TO THE RECORDATION OF THE RELATED GRANT DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

WHEREAS, a proposed project is currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing bridge for Ortega Street at Mission Creek, due to its age, increasingly deteriorated condition and limited flood control capacity, with anticipated reimbursement of the City's associated project costs using funds provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the Ortega Street Bridge Replacement Project (Project) requires the purchase by the City of the real property commonly known as 306 West Ortega Street, being a portion of Santa Barbara County Assessor's Parcel APN 037-073-011, owned by Mission Creek Properties, LLC, a limited liability company (Mission Creek Properties), due to its location immediately adjacent to the existing bridge and the proposed new Ortega Street bridge at Mission Creek, together with the purchase by the City of an adjacent access easement and an adjacent parking easement, for monetary consideration in the amount of \$400,000, plus related escrow closing costs;

WHEREAS, as authorized by FHWA and Caltrans, the real property interests have been appraised by an independent fee appraiser, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, a written purchase offer and required appraisal summary and agreement have been delivered to Mission Creek Properties;

WHEREAS, the real property interests have also been appraised by an independent fee appraiser selected by Mission Creek Properties, and following additional discussions, in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, revised agreements have been delivered to Mission Creek Properties, which include an Agreement for Acquisition of Real Property with Escrow Instructions, an Option to Purchase Agreement, and an Interim Vacancy Agreement;

WHEREAS, the written purchase offer, as revised, has been conditionally accepted by Mission Creek Properties, and the members have voluntarily signed all related agreements to allow the City to purchase the necessary property interests, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute all such agreements with Mission Creek Properties, subject to approval as to their form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the Public Works Director to subsequently execute any documents that may become necessary to accomplish such purchase by the City of the property interests, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, additional sale escrow instructions; and

WHEREAS, this Resolution will also demonstrate intent by the Council of the City of Santa Barbara to accept the property interests particularly described in the Grant Deed and all related agreements and documents delivered for such purpose, without further action or subsequent resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Santa Barbara as follows:

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Agreement for Acquisition of Real Property with Escrow Instructions with Mission Creek Properties, to accomplish the purchase by the City of the real property commonly known as 306 West Ortega Street, being a portion of Santa Barbara County Assessor's Parcel APN 037-073-011, together with the purchase by the City of an adjacent access easement and an adjacent parking easement, for monetary consideration in the amount of \$400,000, plus related escrow closing costs.

SECTION 2. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Option to Purchase Agreement with Mission Creek Properties, to authorize the possible subsequent disposition and sale by the City of the real property commonly known as 306 West Ortega Street to Mission Creek Properties, LLC, at its sole option, and subject to certain applicable conditions, following the completion of the Project by the City, for monetary consideration in the purchase option amount of \$400,000, plus related escrow closing costs.

SECTION 3. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Interim Vacancy Agreement with Mission Creek Properties, to avoid any subsequent occupancy of the residential unit at 306 West Ortega Street by any new tenants, and to avoid the need to relocate additional occupants in accordance with applicable laws and guidelines, subject to review as to the form of such agreement, with City's payment of rental to Mission Creek Properties in the amount of \$1,675 per month, prorated on the basis of \$55.83 per day, commencing on the first day following termination of the occupancy by the current tenants of the unit, and ending on the effective date on which the City obtains ownership of the property at 306 West Ortega Street by a deed, or on the date the City obtains possession pursuant to any eminent domain proceedings, if any, whichever shall occur first.

SECTION 4. The City of Santa Barbara hereby accepts the property interests at 306 West Ortega Street, as more particularly described in the Grant Deed, the Agreement for Acquisition of Real Property with Escrow Instructions, the Option to Purchase Agreement, and the Interim Vacancy Agreement, all of which have been executed and delivered to the City by Mission Creek Properties for such purposes hereunder.

SECTION 5. The City of Santa Barbara hereby consents to the recordation by Fidelity National Title Company of the Grant Deed by Mission Creek Properties in the Official Records, County of Santa Barbara, at the close of escrow.

SECTION 6. This Resolution shall become effective immediately upon its adoption.